

**REMARKS**

This application has been amended in a manner that is believed to place it in condition for allowance at the time of the next Official Action.

Claims 17 and 21-35 are pending in the present application. Claims 17 and 21-26 are currently under consideration. Claims 27-35 have been withdrawn. Independent claims 17, 23, and 26-35 have been amended to recite a promoter sequence comprising SEQ ID NO: 2. Claim 24 has been amended to address a formal matter raised in the outstanding Official Action.

In the outstanding Official Action, claim 24 was rejected under 35 USC §112, second paragraph, for allegedly being indefinite. Applicants believe the present amendment obviates this rejection.

In the outstanding Official Action, the Examiner suggests that the definite article "the" be deleted in order to overcome the rejection. Accordingly, applicants have amended claim 24 in this manner. At this time, applicants would like to thank the Examiner for the suggestion as to how to overcome this rejection.

Claims 17-19 and 21-26 were rejected under 35 USC §112, first paragraph, for allegedly not satisfying the written description requirement. In addition, claims 17-19 and 21-26

were rejected under 35 USC §112, first paragraph, for allegedly not satisfying the enablement requirement. Applicants believe the present amendment obviates these rejections.

As noted above, the independent claims in the present application have been amended to recite a promoter sequence comprising SEQ ID NO: 2. It is believed that the description of a promoter nucleotide sequence comprising SEQ ID NO: 2 is plainly disclosed in the present disclosure. Additionally, applicants note with appreciation the indication that the present disclosure is enabling for the nucleic acid of SEQ ID NO: 2.

As a result, applicants believe that the claimed invention satisfies the written description and enablement requirements.

At this time, applicants respectfully request that claims 27-35 be rejoined with claims 17 and 21-26. Indeed, applicants note that all of the independent claims have been amended to recite a promoter sequence comprising SEQ ID NO: 2. As a result, applicants respectfully submit that all of the claims relate to a single inventive concept and request that all the claims in their full scope be considered.

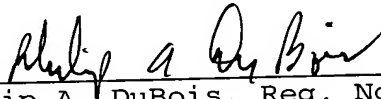
In view of the present amendment and the foregoing remarks, therefore, applicants believe that the present application is in condition for allowance at the time of the next

Official Action. Allowance and passage to issue on that basis is respectfully requested.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

YOUNG & THOMPSON

  
Philip A. DuBois, Reg. No. 50,696  
Attorney for Applicants  
745 South 23<sup>rd</sup> Street  
Arlington, VA 22202  
Telephone (703) 521-2297

PD/mjr  
January 23, 2006